

**REMARKS****INTRODUCTION:**

In accordance with the foregoing, claims 8, 10, 12, 14, 19, 34, 36, 38, 50, and 51 have been amended. No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

Claims 1-63 are pending and under consideration. Reconsideration is requested.

**REQUEST FOR ACKNOWLEDGEMENT:**

On page 1 of the Office Action, the Examiner has not acknowledged the claim for domestic priority U.S. Provisional Application No. 60/195,472. As such, it is respectfully requested that the Examiner acknowledge these items.

**REJECTION UNDER 35 U.S.C. §102:**

In the Office Action at pages 2-5, the Examiner rejects claims 1, 22, 26, 29, 31, 34, 36, 38, 40, 42, 46, and 52 under 35 U.S.C. §102 in view of MULTIREAD2: TEST PLAN FOR MULTIREAD2 (Optical Storage Technology Association)(Rev. 1.0) (hereinafter referred to as "OSTA"). This rejection is respectfully traversed and reconsideration is requested.

On page 2 of the Office Action, the Examiner asserts that Section 1.3 and pages 6-13 of OSTA teaches generating test information including defect management information, and verifying the test information as recited in claim 1. By way of review, OSTA teaches testing the logical sectors of a data zone of a test disc (2.6 GB DVD-RAMs) to determine whether a MultiRead 2 device under test properly reads the logical sector numbers (LSNs) found in tables 3 through 8. If the LSNs are properly read, the device under test will produce a data pattern matching Data Pattern A as specified in Section 2.3. A summary of which LSNs are read is shown in Tables 1 and 2. (Pages 5-11 of OSTA). While OSTA suggests reading LSNs from the data zone, as shown in Tables 1 and 2 and described in Section 1.3, there is no suggestion that the test includes zones other than the Data Zone, the PDL and SDL described in Section 2.4 are utilized in the test process set forth in Section 1.3, the test process in Section 1.3 also reads the Lead-In Zone or the Lead-out Zone to determine if the DMAs 1 through 4 match Data Pattern A or any other pattern, or the Data Pattern A relates to defect management information of DMAs 1 through 4.

In contrast, claim 1 recites, among other features, "generating as test information, defect management information, which is generated after performing initialization with certification on a test disc obtained by making known physical defects on a blank disc" and "verifying the test

information using reference test information for the initialization with certification to provide a test result." As such, assuming arguendo that OSTA is available for use in a prior art rejection, it is respectfully submitted that OSTA does not disclose or suggest the invention recited in claim 1.

For similar reasons, it is respectfully submitted that OSTA does not disclose or suggest the invention recited in claims 22, 26, 31, 34, 36, 38, 40, 42, 46, and 52.

Claim 29 is deemed patentable due at least to its depending from claim 26.

**REJECTION UNDER 35 U.S.C. §103:**

In the Office Action at page 6, the Examiner rejects claim 4 under 35 U.S.C. §103 in view of OSTA and Kato (U.S. Patent No. 6,601,201). This rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Kato is correct, the Examiner does not rely upon Kato to cure the above noted defect of OSTA as applied to claim 1, from which claim 4 depends. Therefore, it is respectfully submitted that the combination of OSTA and Kato does not disclose or suggest the invention recited in claim 4.

In the Office Action at page 6, the Examiner rejects claim 15 under 35 U.S.C. §103 in view of OSTA and Fujii (U.S. Patent No. 6,119,239). This rejection is respectfully traversed and reconsideration is requested.

Even assuming arguendo that the Examiner's construction of Fujii is correct, the Examiner does not rely upon Fujii to cure the above noted defect of OSTA as applied to claim 1, from which claim 15 depends. Therefore, it is respectfully submitted that the combination of OSTA and Kato does not disclose or suggest the invention recited in claim 15.

In the Office Action at pages 7-8, the Examiner rejects claims 48 and 50 under 35 U.S.C. §103 in view of OSTA and Lenny (U.S. Patent No. 6,467,054). This rejection is respectfully traversed and reconsideration is requested.

Among other features, the Examiner relies upon Lenny as teaching a controller 19 which is capable of controlling a storage device 14, executes self diagnostic tests, and provides the test results to the host 12. Even assuming arguendo that the Examiner is correct as to the disclosure of Lenny, Lenny suggests the controller 19 controlling the storage device 14, which is a peripheral storage device, to perform self-tests. The controller 19 further logs errors reported by the storage device 14 due to the self-tests in order to perform drive failure prediction management operations. (Col. 4, lines 30-34, 47-51, col. 5, lines 21-28; Figs. 1, 7A, 7B of Lenny). However, there is no suggestion that the controller 19 performs defect management with respect to a storage medium of the storage device 14 instead of performing drive failure

prediction management operations with respect to the storage device 14 as a whole. In addition, assuming arguendo that the storage device 14 is performing defect management, there is no suggestion that the controller 19 reviews the defect management information recorded on the storage medium, logs whether the defect management is being performed properly, or whether the controller 19 has been verified to determine if the controller 19 is properly performing such defect management. Lastly, to the extent that the controller 19 controls a controller of the storage device 14, there is no suggestion that the drive failure prediction management operations would include verification as to whether the controller of the storage device 14 is properly performing defect management.

Since OSTA also does not suggest testing defect management information as set forth above in relation to the rejection of claim 1, it is respectfully submitted that the combination of OSTA and Lenny does not disclose or suggest, among other features, a "controller being verified to update and generate defect management area (DMA) information by performing initialization with certification on a test disc to generate test information, and comparing the test information with reference test information to determine the verification of the recording and reproducing apparatus" as recited in claim 48.

For similar reasons, it is respectfully submitted that the combination of OSTA and Lenny does not disclose or suggest, among other features, "a controller to control said light source and to update and generate defect management area information after performing initialization with certification on the optical disc so that the defect management information generated by the controller is verified to be compliant with a standard" as recited in claim 50.

**STATUS OF CLAIMS NOT REJECTED:**

On page 2 of the Office Action, the Examiner objects to claims 2, 3, 6-14, 16-21, 23-25, 27, 28, 30, 32, 33, 35, 37, 39, 41, 43-45, 47, 49, 51, and 53-63 for depending from rejected claims.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution

**SERIAL NO. 09/805,438**

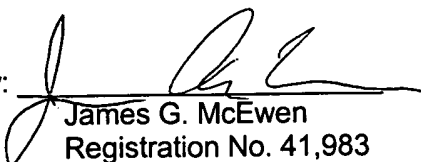
**DOCKET NO. 1293.1112**

can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: MARCH 2, 2004